

**DRAFT**

MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING:

1 NOVEMBER 2005

The City Council of the City of Greensboro met in regular session at 5:30 0 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers T. Dianne Bellamy-Small, Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Yvonne J. Johnson, Robert V. Perkins, Thomas M. Phillips, and Donald R. Vaughan. Absent: None. Also present were Mitchell Johnson, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting opened with a moment of silence and the Pledge of Allegiance to the Flag.

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The Manager recognized Denise Seals, employee in the Police Department, who served as courier for the meeting.

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Mayor Holliday explained the Council procedure for conduct of the meeting.

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The Mayor noted Council would now hear from speakers from the floor.

Robert Kurtz, residing at 2200 Rheims Drive, spoke to a neighborhood petition sent to Council in opposition to the installation of sidewalks on Rheims Drive in the area of Gander Mountain sporting goods and apparel store. Speaking to the proposed sidewalk installation, he stated area residents believed sidewalks were not necessary at this location and would not be used by pedestrian traffic, offered his personal opinions with regard to the need for sidewalks in other areas of the City and offered his thoughts about the cost of sidewalk installation.

After Councilmember Carmany noted she had discussed this matter with the Transportation Department staff and had determined that this sidewalk installation was part of an agreement with Koury Corporation, she detailed the route of the sidewalk to provide walkability for the area and Rolling Roads Park, stated that staff recommended proceeding with the sidewalk because of several out parcels in the area that could add additional pedestrian traffic and added that efforts were being made to be sensitive to trees, landscaping, etc.

Jim Westmoreland, Transportation Department Director, agreed the installation of the sidewalks was a requirement in the agreement with the Koury Corporation and would connect with Cheltenham Boulevard and the Park. He detailed the scope of the project; noted staff would meet with residents to discuss and clarify the project design, answer questions, etc.; and stated an updated would be provided to Council.

Brief discussion was held with regard to Council's commitment to provide walkability for neighborhoods and the Transportation Department's efforts to accommodate Council's directive; some members of Council expressed support of a meeting between Transportation Department staff and area residents.

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Joya Wesley, residing at 410-A North Cedar Street; and Jill William, residing at 313 East Hendrick Drive, representing the Truth and Community Reconciliation Project, spoke to the happenings 26 years ago on November 3, 1979, and invited Council to attend the upcoming Community Dialogue event that would provide members of the community an opportunity to participate; they spoke to the manner in which the input would be processed.

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No additional speakers wished to be heard.

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At the Mayor's request, Councilmember Johnson introduced and read into the minutes a resolution honoring the memory of the late Elfreda Artis Russell. Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Johnson, Holliday, Perkins, Phillips and Vaughan. Noes: None. After adoption of the resolution, Councilmember Johnson recognized members of Ms. Russell's family who were present in the Chamber and presented them with copies of the resolution.

#### 235-05 RESOLUTION HONORING THE MEMORY OF THE LATE ELFREDA ARTIS RUSSELL

WHEREAS, the City Council and the people of Greensboro are deeply saddened by the death of Elfreda Artis Russell on September 3, 2005 and wish to express their great sense of loss and respect;

WHEREAS, Elfreda, "Freda" or "Fleet" to her friends attended the Greensboro City Schools, graduated from James B. Dudley High School in 1961 and from Bennett College for Women in 1965;

WHEREAS, she began her career in banking at North Carolina National Bank, now Bank of America where she retired after thirty years of service;

WHEREAS, Elfreda was also a partner with her husband in Triad Accounting Service and Alliance Mortgage Service;

WHEREAS, a loving and thoughtful person who never tired of giving her time and energy for a cause, Elfreda was a Youth Group Advisor as well as an ordained Deacon at St. James Presbyterian Church and also a volunteer at the Cardiac Pulmonary Rehabilitation Unit of Moses Cone Hospital;

WHEREAS, while her death leaves a void and deprives this community of an outstanding citizen, Elfreda Artis Russell will always be an inspiration to all those citizens whose lives she touched and influenced.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the people of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of Elfreda Artis Russell.
2. That a copy of this resolution shall be delivered to the family of Elfreda Artis Russell as a symbol of the gratitude of the people of Greensboro for her outstanding public service.

(Signed) Claudette Burroughs-White

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits located at 5279 Mackay Road—30.937 acres and an ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District—RM-5

Residential Multifamily for property located on the north side of Mackay Road between Guilford College Road and Brookrun Drive.

Richard “Dick” Hails, Planning Department Director, detailed the zoning request, used maps and photographs to illustrate the property proposed for annexation and zoning, and stated that the Zoning Commission had recommended approval.

Mayor Holliday asked if anyone wished to be heard.

Henry Isaacson, attorney with offices at 101 West Friendly Avenue and representing the owners of the property and Portrait Homes, developer of the property, spoke in favor of the annexation and zoning request. Mr. Isaacson reviewed conditions contained in the proposed zoning ordinance, provided information for illustrative purposes only about the proposed development and price range, and stated the Zoning Commission and Greensboro City staff recommended approval of the two items. Brief discussion was held with regard to the proposed density of the development.

Maxine Fisher, residing at 203 Chadwick Drive, Jamestown, NC, owner of adjacent property, spoke in opposition to the proposed annexation and zoning. She offered photographs to illustrate area homes and lot sizes and detailed her concerns with regard to the proposed development; i.e., the proposed multifamily development was not consistent with homes in the area, the problems that would be created for the neighborhood if the developer were permitted to use Chadwick Drive as an outlet to Guilford College Road, etc. Discussion was held with regard to access to this area and Guilford College Road.

Linda Young, residing at 205 Chadwick Drive, Jamestown, NC, spoke in opposition to the annexation and zoning, noted that her property was in the area to be annexed by Greensboro, and expressed her concern with regard to the potential loss of trees due to the proposed development and exposure of her property to this proposed multifamily development. She suggested a number of actions the developer could take to protect her property value and minimize the impact of this development on her property.

In rebuttal in favor of the two items, Mr. Isaacson spoke to property in the area that would provide a buffer for the development, explained the property needed to extend Chadwick Drive was privately owned, noted many areas which had been developed single family and multifamily were compatible, and advised that the owners wished to develop their property.

In rebuttal in opposition to the two items, Ms. Young used a map to illustrate the property and reiterated her earlier concerns with regard to the cutting of trees and the lack of buffer beside her house.

Councilmember Gatten moved to close the public hearing. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Mr. Hails stated the proposed development was compatible with comprehensive plan recommendations and staff recommended in favor of the annexation and zoning. Mr. Westmoreland stated that a traffic study was not performed, but the traffic volume in the area was at an acceptable level.

Council discussion was held with regard to the location of this property, transitional nature of the area where three municipalities grow together, property earmarked for annexation by other municipalities, impact of the proposed development comparable to other uses, density of the proposed development and area traffic patterns.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits (located at 5279 Mackay Road—30.937 acres. The motion was seconded by Councilmember Burroughs-White; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-218 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5279 MACKAY ROAD – 30.937 ACRES)

Section 1. Pursuant to G.S. 160A-58.1, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro satellite city limits (as of September 30, 2005), said point being at a rebar in the south line of Heritage Hill subdivision and also being the northwest corner of Lot 108 of Brook Run, Phase 4, as recorded at Plat Book 118, Page 19 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS S 03° 08' 29" W 115.02 feet with the west line of said Lot 108 to a rebar at the southwest corner of said lot; thence S 03° 09' 10" W 754.92 feet with the west lines of Lots 107 through 98 of said Phase 4 to the southwest corner of said Lot 98, a rebar in the north right-of-way line of Manor Ridge Trail; thence S 03° 18' 18" W 49.93 feet to a point in the south right-of-way line of Manor Ridge Trail; thence S 03° 08' 50" W 1,089.64 feet with the west lines of Lots 97 through 92 of Brook Run, Phase 3, as recorded at Plat Book 116, Page 74 in the Office of the Register of Deeds and of Lots 44 through 41, 38, and 37 of Brook Run, Phase 2, as recorded at Plat Book 114, Page 85 in the Office of the Register of Deeds, to a rebar at the southwest corner of said Lot 37; thence S 02° 51' 28" W 15.67 feet with the west line of Lot 36 of said Phase 2 to a stone with an "X"; thence S 01° 29' 20" E 959.23 feet with the west lines of Lots 36 and 35 and of the Common Area Open Space of said Phase 2 and of Lots 18 through 21 and 24 through 26 of Brook Run, Phase 1, as recorded at Plat Book 112, Page 115 in the Office of the Register of Deeds, to a rebar at the southwest corner of said Lot 26; thence S 01° 29' 20" E approximately 44.47 feet with the west line of Lot 27 of Phase 1 to a point in the north right-of-way line of Mackay Road; thence in a westerly direction with said right-of-way line approximately 518 feet to a point in the east line of Lea Family Limited Partnership, as recorded at Deed Book 4624, Page 475 in the Office of the Register of Deeds; thence N 07° 24' 14" E approximately 1,008.17 feet with Lea's east line to an existing iron pipe; thence N 77° 25' 06" W 209.24 feet with Lea's east line to an existing iron pipe; thence N 07° 35' 31" E 1,878.24 feet with Lea's east line, the eastern end of Chadwick Drive, and the east line of Lot "A" of Property of Arthur B. Lea, as recorded at Plat Book 60, Page 131 in the Office of the Register of Deeds, to a point in the existing Greensboro satellite city limits; THENCE PROCEEDING WITH THE SATELLITE CITY LIMITS S 82° 01' 26" E 403.92 feet with the south line of Heritage Hill subdivision to the point and place of BEGINNING, and containing approximately 30.937 acres.

Section 2. The owners agree to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owners shall be fully responsible for extending water and sewer service to the property at said owners' expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after January 31, 2006, the liability for municipal taxes for the 2005-2006 fiscal year shall be prorated on the basis of 5/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2006. Municipal ad valorem taxes for the 2006-2007 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after January 31, 2006.

(Signed) Yvonne J. Johnson

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Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning Agricultural to City Zoning Conditional District-RM-5 Residential Multifamily

for property located on the north side of Mackay Road between Guilford College Road and Brookrun Drive. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

#### 05-219 AMENDING OFFICIAL ZONING MAP

#### NORTH SIDE OF MACKAY ROAD BETWEEN GUILFORD COLLEGE ROAD AND BROOKRUN DRIVE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Agricultural to City Zoning Conditional District – RM-5 Residential Multifamily (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the existing Greensboro satellite city limits (as of September 30, 2005), said point being at a rebar in the south line of Heritage Hill subdivision and also being the northwest corner of Lot 108 of Brook Run, Phase 4, as recorded at Plat Book 118, Page 19 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING SATELLITE CITY LIMITS S 03° 08' 29" W 115.02 feet with the west line of said Lot 108 to a rebar at the southwest corner of said lot; thence S 03° 09' 10" W 754.92 feet with the west lines of Lots 107 through 98 of said Phase 4 to the southwest corner of said Lot 98, a rebar in the north right-of-way line of Manor Ridge Trail; thence S 03° 18' 18" W 49.93 feet to a point in the south right-of-way line of Manor Ridge Trail; thence S 03° 08' 50" W 1,089.64 feet with the west lines of Lots 97 through 92 of Brook Run, Phase 3, as recorded at Plat Book 116, Page 74 in the Office of the Register of Deeds and of Lots 44 through 41, 38, and 37 of Brook Run, Phase 2, as recorded at Plat Book 114, Page 85 in the Office of the Register of Deeds, to a rebar at the southwest corner of said Lot 37; thence S 02° 51' 28" W 15.67 feet with the west line of Lot 36 of said Phase 2 to a stone with an "X"; thence S 01° 29' 20" E 959.23 feet with the west lines of Lots 36 and 35 and of the Common Area Open Space of said Phase 2 and of Lots 18 through 21 and 24 through 26 of Brook Run, Phase 1, as recorded at Plat Book 112, Page 115 in the Office of the Register of Deeds, to a rebar at the southwest corner of said Lot 26; thence S 01° 29' 20" E approximately 44.47 feet with the west line of Lot 27 of Phase 1 to a point in the north right-of-way line of Mackay Road; thence in a westerly direction with said right-of-way line approximately 518 feet to a point in the east line of Lea Family Limited Partnership, as recorded at Deed Book 4624, Page 475 in the Office of the Register of Deeds; thence N 07° 24' 14" E approximately 1,008.17 feet with Lea's east line to an existing iron pipe; thence N 77° 25' 06" W 209.24 feet with Lea's east line to an existing iron pipe; thence N 07° 35' 31" E 1,878.24 feet with Lea's east line, the eastern end of Chadwick Drive, and the east line of Lot "A" of Property of Arthur B. Lea, as recorded at Plat Book 60, Page 131 in the Office of the Register of Deeds, to a point in the existing Greensboro satellite city limits; THENCE PROCEEDING WITH THE SATELLITE CITY LIMITS S 82° 01' 26" E 403.92 feet with the south line of Heritage Hill subdivision to the point and place of BEGINNING, and containing approximately 30.937 acres.

Section 2. That the original zoning to Conditional District – RM-5 Residential Multifamily is hereby authorized subject to the following use limitations and conditions:

- 1) Uses shall be limited to townhome dwellings and accessory uses.
- 2) All townhomes shall be constructed of exterior brick and masonite with wood or vinyl accents.
- 3) All buildings shall be a maximum of two (2) stories in height.
- 4) All townhomes shall have attached garages.
- 5) The total number of dwelling units shall not exceed 148.
- 6) All townhomes shall be designed for sale.
- 7) There shall be no trash compactor and no dumpster located on the property other than for the purpose of collecting and removing construction debris.
- 8) Street lights shall be "lantern" type with light directed generally downward.
- 9) The Developer will provide 4-foot sidewalks on one side of all internal private streets and a 6-foot sidewalk along the property's Mackay Road frontage.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on the date of annexation.

(Signed) Claudette Burroughs-White

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After Councilmember Carmany recognized a number of international visitors who were present in the Chamber, they introduced themselves and made brief comments. Councilmember Carmany stated that she had met with the delegation earlier to discuss economic development and noted their visit was sponsored by the Piedmont Triad Council of International Visitors.

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Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance rezoning from General Office Moderate Intensity to Conditional District-Neighborhood Business for property located on the northwest side of Summit Avenue between Yanceyville Street and Charter Place.

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Mayor Holliday passed the gavel to Mayor Pro Tempore Yvonne J. Johnson and left the Chamber at 6:55 p.m.

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Mr. Hails used a map and photographs to illustrate the property proposed for rezoning and the surrounding land use pattern, reviewed the request and conditions contained in the proposed ordinance, and stated the Zoning Commission and Historic Preservation Commission had recommended approval of the rezoning.

Mayor Pro Tem Johnson asked if anyone wished to be heard.

Stan Montgomery, 623 Summit Avenue and owner of the property, spoke in favor of the rezoning, provided information with regard to the history of the property, detailed plans for his business at this location, and stated he believed this would be positive for the neighborhood and enhance property values.

Mayor Holliday reentered the Chamber at 6:58 p.m. and reassumed the Chair.

Brief discussion was held with regard to the condition specifying hours of operation and pertinent Code requirements.

There being no other speakers, Councilmember Bellamy-Small moved to close the public hearing. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Stating that the request was compatible with Comprehensive Plan recommendations, Mr. Hails reiterated that the Zoning Commission, the Historic Preservation Commission and Planning Department staff recommended approval of the request.

Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-220 AMENDING OFFICIAL ZONING MAP

NORTHWEST SIDE OF SUMMIT AVENUE BETWEEN YANCEYVILLE STREET AND CHARTER PLACE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by rezoning from General Office Moderate Intensity to Conditional District – Neighborhood Business (subject to those conditional uses with limitations as set forth in Sections 2, 3 and 4 of this ordinance) the area described as follows:

BEGINNING at a point in the northwest right-of-way line of Summit Avenue, said point being the southwest corner of Lot 13 of Summit Building C Subdivision as recorded in Plat Book 2, Page 93 in the Office of the Guilford County Register of Deeds; thence along the line of said Lot 13 N36°57'00"W 150.00 feet to a point; thence N53°03'00"E 75.25 feet to a point; thence S36°57'00"E 150.00 feet to a point in the northwest right-of-way line of Summit Avenue; thence along said right-of-way line S53°03'00"W 75.25 feet to the point and place of BEGINNING, as shown on "Survey for Montgomery-Davis Group, LLC" prepared by Wilson Surveying, Inc. and dated 9-1-2005.

Section 2. That the rezoning of General Office Moderate Intensity to Conditional District – Neighborhood Business is hereby authorized subject to the following use limitations and conditions:

- 1) Uses limited to a neighborhood coffee shop and professional office space.
- 2) Existing building shall be preserved and maintained.
- 3) Hours of operation shall be Monday – Thursday 6 a.m. to 8 p.m., Friday and Saturday 6 a.m. to 10 p.m., and Sunday 8 a.m. to 4 p.m.

Section 3. This property will be perpetually bound to the uses authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in Chapter 30 of the Greensboro Code of Ordinances. Final plans for any development shall be submitted to the Technical Review Committee for approval.

Section 4. Any violations or failure to accept any conditions and use limitations imposed herein shall be subject to the remedies provided in Chapter 30 of the Greensboro Code of Ordinances.

Section 5. This ordinance shall be effective on October 21, 2005.

(Signed) Claudette Burroughs-White

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Mayor Holliday removed Item #16, a resolution approving conveyance of 609 Gorrell Street from the Redevelopment Commission of Greensboro to Bennett College, from the Consent Agenda.

Councilmember Phillips moved adoption of the Consent Agenda, as amended. The motion was seconded by Councilmember Carmany; the amended Consent Agenda was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

05-221 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME  
Girbaud Court

PORTION  
Entire

NEW NAME  
Cardinal Health Court

(Signed) Thomas M. Phillips

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05-222 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME  
Mirabau Drive

PORTION  
Entire

NEW NAME  
Mirabau Woods Drive

(Signed) Thomas M. Phillips

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05-223 AN ORDINANCE CHANGING NAME OF STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the following street name change is hereby authorized to become effective immediately:

PRESENT NAME  
Mirabau Court

PORTION  
Entire

NEW NAME  
Mirabau Woods Court

(Signed) Thomas M. Phillips

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236-05 RESOLUTION APPROVING SUPPLEMENTAL MUNICIPAL AGREEMENT WITH NCDOT FOR  
OKA T. HESTER PARK DAM REPLACEMENT

WHEREAS, the North Carolina Department of Transportation has prepared and adopted plans to make certain street and highway improvements within Greensboro under Project U-2524 AB, Guilford County, said plans consisting of the improvement and construction of Greensboro-Western Loop from north of I-85 near Groometown to north of High Point Road in Greensboro:

WHEREAS, the City and Department now wish to amend the Agreement to add provisions for the maintenance involving the Oka T. Hester Lake Dam under Project U-2524 AB said amendment presented herewith this day;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GREENSBORO:

That Project U-2524 AB, Guilford County, is hereby formally approved and that the Mayor and Clerk are hereby empowered to sign and execute the Agreement with the Department of Transportation.

(Signed) Thomas M. Phillips

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05-224 ORDINANCE AMENDING STATE, FEDERAL AND OTHER GRANTS FUND BUDGET FOR THE  
APPROPRIATION OF FEDERAL FORFEITURE FUNDS FOR THE PURCHASE OF EQUIPMENT

Section 1



BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the State, Federal, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the State, Federal and other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3509-01.5235	Small Tools and Equipment	\$19,500
220-3509-01.6059	Other Capital Equipment	<u>\$ 5,500</u>
TOTAL:		\$25,000

And, that this increase be financed by increasing the following State, Federal, and Other Grants Funds accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-3509-01.7104	Federal Forfeiture	<u>\$25,000</u>
TOTAL:		\$25,000

## Section 2

And, that this ordinance should become effective upon adoption.

(Signed) Thomas M. Phillips

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## 237-05 RESOLUTION LISTING LOANS AND GRANTS FOR CITY COUNCIL APPROVAL

WHEREAS, at its March 1<sup>st</sup> meeting City Council the City Manager was instructed to include on the regular Council Consent Agenda all loans and grants in excess of \$10,000;

WHEREAS, City Council approval is required for all loans and grants, or pass through loans or grants in excess of \$10,000 on the recommendation of agencies, non-profits, or other organizations acting on behalf of the City prior to the disbursement of funds;

WHEREAS, requests have been made for loans in excess of \$10,000, said requests are presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the requests for loans in excess of \$10,000 presented herewith this day are hereby approved in accordance with the guidelines set at the March 1, 2005 council meeting.

(Signed) Thomas M. Phillips

(A copy of the loans and grants is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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238-05 RESOLUTION APPROVING CONVEYANCE OF 301 MARSHALL STREET IN THE EAST MARKET STREET CORRIDOR FROM THE CITY OF GREENSBORO TO EAST MARKET STREET DEVELOPMENT CORPORATION

WHEREAS, East Market Street Development Corporation is actively working to preserve neighborhoods in the East Market Street corridor;

WHEREAS, the City provided a homeowner housing rehabilitation loan at 301 Marshall Street that subsequently went into foreclosure and on March 4, 2004, a deed in lieu of foreclosure was done to the City;

WHEREAS, the property is in a deteriorated condition and will require renovation prior to being offered for sale;

WHEREAS, East Market Street Development Corporation has proposed that the City donate the property for the purpose of renovation and sale to a low to moderate income owner occupant;

WHEREAS, the estimate for the renovation work is \$38,500 and to cover the up-front costs the City will provide a grant up to that amount to East Market Street Development Corporation, said grant to be secured by a deed of trust on the property;

WHEREAS, upon completion of renovation work, the sales price for the property will be set by the City based upon the after-rehab appraised value which is expected to exceed renovation costs;

WHEREAS, East Market Street Development Corporation will sell the property to a low to moderate income buyer, subject to a 15 year owner occupancy requirement, with the net proceeds from the sale returned to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the donation of 301 Marshall Street from the City of Greensboro to East Market Street Development Corporation with a grant up to \$38,500 to East Market Street Development Corporation for the renovation and resale of said property is hereby approved.

(Signed) Thomas M. Phillips

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239-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2005-029 WITH HENDRIX & CORRIHER CONSTRUCTION COMPANY, INC. FOR THE HUGH MEDFORD SERVICE CENTER EQUIPMENT SERVICES ADDITION PHASE II

WHEREAS, Contract No. 2005-029 with Hendrix & Corriher Construction Company, Inc. provides for construction of the High Medford Central City Service Center Phase II, Equipment Service Building "H" addition;

WHEREAS, due to the discovery of existing storm water drain lines which need to be removed, relocation and filled prior to the construction of a new building in the area, thereby necessitating a change order in the contract in the amount of \$86,654.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Hendrix & Corriher Construction Company, Inc. for the Hugh Medford Service Center Equipment Services Addition Phase II Improvements is hereby authorized at a total cost of \$86,654.00, payment of said additional amount to be made from Account No. 680-1005-05.6019, Activity No. 06060.

(Signed) Thomas M. Phillips

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240-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-35  
WITH BREECE ENTERPRISES FOR VARIOUS STORM SEWER IMPROVEMENTS

WHEREAS, after due notice, bids have been received for various storm sewer improvements throughout the City;

WHEREAS, Breece Enterprises a responsible bidder, has submitted the low base and alternate bid in the total amount of \$451,489.50 as general contractor for Contract No. 2005-35, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Breece Enterprises is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$451,489.50 from Account No. 506-7005-01.6018, Activity No. 06074.

(Signed) Thomas M. Phillips

(A tabulation of bids for various storm sewer improvements is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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241-05 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2005-48  
WITH LARCO CONSTRUCTION FOR THE LAKE JEANETTE ROUND-A-BOUT PROJECT

WHEREAS, after due notice, bids have been received for the Lake Jeanette Round-A-Bout project;

WHEREAS, Larco Construction a responsible bidder, has submitted the low base and alternate bid in the total amount of \$552,414.50 as general contractor for Contract No. 2005-48, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Larco Construction is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made in the amount of \$552,414.50 from Account No. 441-6003-10.6014 Activity No. 01068.

(Signed) Thomas M. Phillips

(A tabulation of bids for the construction for the Lake Jeanette Round-A-Bout Project is filed with the above resolution and is hereby referred to and made a part of these minutes.)

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Mayor Holliday introduced a resolution approving conveyance of 609 Gorrell Street from the Redevelopment Commission of Greensboro to Bennett College which was removed from the Consent Agenda; he noted a speaker was present to answer any questions.

Councilmember Burroughs-White moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**242-05 RESOLUTION APPROVING CONVEYANCE OF 609 GORRELL STREET FROM THE REDEVELOPMENT COMMISSION OF GREENSBORO TO BENNETT COLLEGE**

WHEREAS, the Redevelopment Commission acquired the property known as 609 Gorrell Street, Tax Map No. 29-10-1, 2, 4, 5, 6, 7, 14 & 16, in the 90's as part of the Gorrell Street Redevelopment Plan which remained vacant and unused until 2003;

WHEREAS, in 2003 the Redevelopment Commission entered into a ground lease agreement with Bennett College allowing them to construct a temporary structure on the site for use as a Middle College;

WHEREAS, in June, 2005 Bennett College submitted a proposal to purchase the property in conjunction with a future conveyance clause in the lease which provided them a right of first refusal to purchase the property;

WHEREAS, Bennett College proposes to construct a classroom building for use as a Middle College or other appropriate schooling for teenagers in conjunction with the Guilford County School System, subject to final approval of plans and specifications by the Redevelopment Commission;

WHEREAS, at its August 16, 2005 meeting, the Redevelopment Commission approved the sale of said property for the appraised value of \$32,000.00 to Bennett College.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the conveyance of 609 Gorrell Street from the Redevelopment Commission of Greensboro to Bennett College is hereby approved.

(Signed) Claudette Burroughs-White

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Mayor Holliday introduced a resolution identifying the areas under consideration for annexation by the City of Greensboro.

During brief discussion, it was noted that the area covered at this time was the same as that covered by the 2003-05 map. Councilmember Gatten moved adoption of the resolution. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**243-05 RESOLUTION IDENTIFYING THE AREAS UNDER CONSIDERATION FOR ANNEXATION BY THE CITY OF GREENSBORO**

WHEREAS, municipal growth through annexation is essential to sound urban development and continued economic development in Greensboro and Guilford County; and

WHEREAS, the North Carolina General Statutes provide for annexation by municipalities according to certain legislative standards, and with the provision of certain services; and

WHEREAS, there are areas adjacent to the City of Greensboro that may be eligible for annexation under the North Carolina General Statutes; and

WHEREAS, the City Council is in the process of considering areas for possible annexation and plans to review those areas under consideration annually; and

WHEREAS, North Carolina General Statute 160A-49(i) provides that a Resolution of Consideration must be adopted by the City Council at least one year prior to the Resolution of Intent to Annex in order to begin the City-initiated annexation procedure and make it effective within a year after the date of passage of the annexation ordinance; and

WHEREAS, the City of Greensboro adopted two Resolutions of Consideration on December 31, 1992 and December 30, 1993, identifying the exact same areas; and

WHEREAS, the City of Greensboro adopted a third Resolution of Consideration on December 18, 1995 identifying the same areas as well as additional areas; and

WHEREAS, the City of Greensboro adopted a fourth Resolution of Consideration on December 16, 1997 identifying the same areas as well as additional areas; and

WHEREAS, the City of Greensboro adopted a fifth Resolution of Consideration on December 7, 1999 identifying the same areas; and

WHEREAS, the City of Greensboro adopted a sixth Resolution of Consideration on December 18, 2001 identifying the same areas as well as additional areas; and

WHEREAS, the City of Greensboro adopted a seventh Resolution of Consideration on November 18, 2003 identifying the same areas as well as additional areas; and

WHEREAS, the effect of this resolution is to extend until November 18, 2005, the duration of Resolution 309-92 adopted by the City Council on December 31, 1992, Resolution 270-93 adopted by the City Council on December 30, 1993; Resolution 255-95 adopted by the City Council on December 18, 1995; Resolution 249-97 adopted by the City Council on December 16, 1997; Resolution 209-99 adopted by the City Council on December 7, 1999; Resolution 244-01 adopted by the City Council on December 18, 2001; Resolution 252-03 adopted by the City Council on November 18, 2003; and

WHEREAS, the effect of this resolution is also to adopt the boundaries as shown on the attached map;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO, NORTH CAROLINA:

Section 1 - That all areas described on Attachment A (2005-2007 Resolution of Consideration Map) are under consideration for annexation by the City of Greensboro.

Section 2 - That all areas described on Attachment A (2005-2007 Resolution of Consideration Map) and shaded in blue were a part of Resolutions 309-92, 270-93, 255-95, 249-97, 209-99, 244-01, or 252-03 and continue to be under consideration for annexation by the City of Greensboro.

Section 3 - That persons owning agricultural land, horticultural land, or forestland that is, or may become, eligible for present-use value appraisal and present-use value taxation are hereby notified that such eligible properties, upon annexation, shall have limited obligations and rights pursuant to N.C. General Statutes 160A-49 (f1) and (f2). N.C.General Statutes 160A-49(f2) provides:

(1) Upon the effective date of the annexation ordinance, the property is considered part of the city only (i) for the purpose of establishing city boundaries for additional annexations pursuant to this Article and (ii) for

the exercise of city authority pursuant to Article 19 of this Chapter.

(2) For all other purposes, the annexation becomes effective as to each tract of such property or part thereof on the last day of the month in which that tract or part thereof becomes ineligible for classification pursuant to G.S. 105-227.4 or no longer meets the requirements of subdivision (f1) (2) of this section. Until annexation of a tract or a part of a tract becomes effective pursuant to this subdivision, the tract or part of a tract is not subject to taxation by the city under Article 12 of Chapter 105 of the General Statutes nor is the tract or part of a tract entitled to services provided by the city.

Section 4 - That this Resolution and Map shall be on file in the Office of the City Clerk of the City of Greensboro for inspection by citizens of the city and the surrounding area.

Section 5 - That this Resolution shall become effective immediately upon adoption.

(Signed) Florence F. Gatten

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The Mayor introduced a resolution approving Joint Inspection Agreement for Building Permit and Inspection between the City of Greensboro and the City of Jamestown.

After the City Manager noted that this agreement was in line with Council's desire to establish working relationships with other municipalities, brief Council discussion was held. In response to a Council inquiry regarding the possible need for additional personnel, Walter "Butch" Simmons, Engineering and Inspections Department Director, detailed the scope and benefits of the agreement and explained that the revenue generated by this contract could be used to hire an inspector experienced in four inspection areas which would provide more efficient services.

Councilmember Johnson moved adoption of the resolution. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

**244-05 RESOLUTION APPROVING JOINT INSPECTION AGREEMENT FOR BUILDING PERMIT AND INSPECTION BETWEEN THE CITY OF GREENSBORO AND THE CITY OF JAMESTOWN**

WHEREAS, the City of Jamestown has determined that it would be more cost effective to outsource its permitting, inspection of buildings and new construction inspection services and has requested the City of Greensboro's Engineering & Inspections Department to provide said services;

WHEREAS, the North Carolina General Statute Chapter 160A, Article 20 authorizes local governments to enter into such interlocal agreements;

WHEREAS, the City of Greensboro and the City of Jamestown would like to enter into an Agreement whereby the City of Greensboro provides building permitting and inspection services to the City of Jamestown, said Agreement presented herewith this day;

WHEREAS, the Agreement period will be for a period of fifteen (15) years renewable every five (5) years but terminable at the will of either party upon 30 days written notice;

WHEREAS, the expected annual revenue realized from this Agreement to the City of Greensboro will be approximately \$60,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Joint Inspection Agreement for Building Permit and Inspection between the City of Greensboro and the City of Jamestown presented herewith this day is hereby approved.

(Signed) Yvonne J. Johnson

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Mayor Holliday introduced a resolution authorizing change order in Contract No. 2000-08A with Kenneth R. Greene Utility Contractor, Inc. for the Sanitary Sewer Rehabilitation Project "E" Project.

At the request of the City Manager, Allan Williams, Water Resources Department Director, described the enhancements being made under this contract and change orders and explained that language in the original contract for sewer rehabilitation (sliplining) which allowed the contract to be extended based on good performance by the contractor; he noted the excellent price for the project and the good working relationship with the contractor. In response to Council inquiry, Mr. Williams provided an update with regard to plans already underway to address sewer overflow problems in Latham Park.

Councilmember Bellamy-Small moved adoption of the resolution. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

245-05 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-08A WITH KENNETH R. GREENE UTILITY CONTRACTOR, INC. FOR THE SANITARY SEWER REHABILITATION PROJECT "E" PROJECT

WHEREAS, Contract No. 2000-08A with Kenneth R. Greene Utility Contractor, Inc. provides for the rehabilitation of 12,049 linear feet of sewer line by sliplining in various locations around the city;

WHEREAS, Water Resources has identified additional sewer lines that it would like to rehabilitate using this contract;

WHEREAS, due to special conditions of the Contract, the City reserves the right to extend this Contract as a "Unit Price Contract" annually from the award date, thereby necessitating a change order in the contract in the amount of \$1,000,000.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Kenneth R. Greene Utility Contractor, Inc. for the sanitary sewer rehabilitation project "E" project is hereby authorized at a total cost of \$1,000,000, payment of said additional amount to be made from Account No. 503-7015-02.6017 Activity 06080.

(Signed) T. Dianne Bellamy-Small

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Charles Newell, residing at 3802 Brandt Lake Court, spoke to a letter to Council requesting the naming of the Hendrix Street Bridge after J. Maxton "Max" Thompson. He spoke to Mr. Thompson's service to the Aycock neighborhood and to the City of Greensboro.

After brief Council discussion, it appeared to be the consensus of Council that the Manager should bring this matter back for formal Council consideration.

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Members of Council discussed various events and items of interest.

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In response to Councilmember Johnson's comments, Mr. Westmoreland advised a traffic signal was planned for the crosswalk area on Eugene Street that provided access to the jail. Councilmember Vaughan expressed concern with regard to the effectiveness of the crosswalk on Market Street between the Preyer Federal Building and the municipal buildings; he requested staff to determine if improvements could be made.

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Councilmember Burroughs-White moved that Abdel Nuriddin be appointed to serve a term on the Human Relations Commission in the position formerly held by Varo Duffins; this term will expire 15 August 2008. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

Councilmember Burroughs-White stated that Sekinah Hamlin had resigned from the Human Relations Commission. She thereupon moved that Gayland Oliver be appointed to fill the unexpired portion of Ms. Hamlin's term; this term will expire 15 August 2006. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

After discussion was held with regard to the expiration of Councilmember Burroughs-White's term on the Tourism Development Authority and the request for Council to consider Councilmember Johnson as her replacement, it appeared to be the consensus of Council that Councilmember Burroughs-White should continue to serve on this Authority until the expiration of her Council term in December. Councilmember Burroughs-White agreed to continue to serve on the Authority for the duration of her term on Council.

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Councilmember Bellamy-Small moved that Donna Kelly be appointed to serve a term as the College Hill Historic District representative on the Historic Preservation Commission in the position formerly held by Julie Davenport; this term will expire 15 August 2007. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

Councilmember Bellamy-Small noted the 16<sup>th</sup> anniversary of the implementation of the Police Department's Neighborhood Resource Center program and provided a brief history of the program.

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Councilmember Gatten moved that Lee Kinard be appointed to serve a three-year term on the Bicentennial Commission. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of Council.

Councilmember Gatten moved that Judi Rossabi be appointed to serve a term on the Parks and Recreation Commission in the position formerly held by Mike Bumpass; this term will expire 15 August 2008. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

Councilmember Gatten moved that Marilyn Miller be appointed to serve a term on the Greensboro Library Board of Trustees in the position formerly held by Beth Mayer; this term will expire 15 August 2008. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

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Councilmemberr Carmany moved that Kevin Wright be appointed to serve a term on the Zoning Commission in the position formerly held by Peter Kauber; this term will expire 15 August 2007. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Councilmember Carmany added the name of Peter Wainwright to the boards and commissions data bank for future consideration for service on the Advisory Commission on Trees.

Noting that although Katrina evacuees had not arrived in Greensboro, Councilmember Carmany advised that in addition to the Coliseum's preparation to provide services, the Centerplate Catering at the Coliseum had been prepared to serve hot meals.

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Speaking to input he had received with respect to a British Woods zoning matter involving street connectivity that would be considered by Council at a future meeting, Councilmember Phillips requested the Transportation Department to provide information with regard to departmental recommendations/rationale prior to that meeting.

Stating that he remembered a past request for a sidewalk between Lawndale Drive and Battleground Avenue, Councilmember Phillips asked Transportation Department staff to provide information with regard to the feasibility of installing a sidewalk at that location that would serve the residents of the multifamily housing complexes on Lawndale Drive.

Councilmember Phillips spoke to the City's website update and noted citizens could watch current and past Council meetings on their computers.

Councilmember Phillips stated that he had received input from residents of the Glenwood Neighborhood advising that they believed Coliseum Boulevard was not a good entrance into the Coliseum area and asked if medians were planned to improve the appearance of the area (similar to those on South Elm Street. Mr. Westmoreland advised the Transportation Department had not received a request with regard to this area and had not investigated. No Council action was taken.

Councilmember Phillips mentioned that during recent forums many questions had been asked about Project Homestead. He thereupon moved that Council request that District Attorney Stewart Albright release information related to Project Homestead if no criminal investigation was ongoing. The motion was seconded by Councilmember Gatten; the motion was adopted on the following roll call vote: Ayes: Bellamy-Small, Burroughs-White, Carmany, Gatten, Holliday, Johnson, Perkins, Phillips and Vaughan. Noes: None.

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Councilmember Perkins moved that Donald Moore be appointed to serve a three-year term on the Bicentennial Commission. The motion was seconded by Councilmember Vaughan and adopted unanimously by voice vote of Council.

Councilmember Perkins expressed appreciation to Carrie Reeves and Adam Fischer, Transportation Department employees, for their work with residents to address traffic issues in the Cornwallis Drive area.

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Mayor Holliday recognized members of Boy Scout Troop 203 of First Presbyterian Church who were present in the Chamber.

After brief discussion, Councilmember Vaughan moved that Councilmember Carmany be appointed to serve as Council's elected official on the Heart of the Triad steering committee. The motion was seconded by Councilmember Bellamy-Small and adopted unanimously by voice vote of Council.

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The City Manager provided updates with regard to the City's updated website, the recent grand opening of the J. Douglas Galyon Depot grand and adjustments that had been made to this year's leaf pickup schedule. He expressed appreciation to Mr. Westmoreland for his extraordinary efforts with regard to the renovation and enhancements to the facility.

At the City Manager's request, Allan Williams, Water Resources Department Director, reported on Greensboro's current water situation and available resources; citizens were encouraged to continue to conserve this valuable resource.

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Councilmember Johnson moved that the City Council adjourn. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 7:52 P.M.

JUANITA F. COOPER  
CITY CLERK

KEITH A. HOLLIDAY  
MAYOR

YVONNE J. JOHNSON  
MAYOR PRO TEMPORE

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